

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert M. Dow, Jr	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 7153	DATE	12/28/2010
CASE TITLE	Curry vs. City of Chicago		

## DOCKET ENTRY TEXT

For the reasons stated below, Plaintiff's application to proceed *in forma pauperis* [7] and motion for appointment of counsel [5] are respectfully denied. Plaintiff is reminded of her obligations to serve the summons and complaint on Defendant. Plaintiff also is advised that the services of the Court's Pro Se Help Desk are available to her by appointment in the Clerk's Office, 20<sup>th</sup> Floor, Dirksen Federal Building, if she requires assistance in regard to Court practices and procedures.

■ [ For further details see text below.]

Docketing to mail notices. Notices mailed by Judicial staff.

## STATEMENT

Along with a complaint [1], Plaintiff Verna Curry has filed an application for leave to proceed *in forma pauperis* [4] and a motion for appointment of counsel [5]. Plaintiff's *in forma pauperis* application [4] was incomplete, and the Court denied the application without prejudice and gave Plaintiff an additional 30 days to submit a new and complete application and financial affidavit or to pay the \$350 filing fee. [See 6] Plaintiff resubmitted the completed application within the 30-day period. [See 7].

Although a plaintiff need not be penniless in order to proceed *in forma pauperis* under § 1915(a)(1) (see *Zaun v. Dobbin*, 628 F.2d 990, 992 (7th Cir. 1980)), "a plaintiff's income must be at or near the poverty level." *Bulls v. Marsh*, 1989 WL 51170, at \*1 (N.D. Ill. May 5, 1989). In order to measure poverty level, many judges in this district use the poverty guidelines promulgated by the United States Department of Health and Human Services (available at <http://aspe.hhs.gov/poverty/10poverty.shtml>). The HHS poverty guidelines for the remainder of 2010 for the 48 contiguous states and the District of Columbia set the poverty level for a family of one at an annual income level of \$10,830.

In the financial affidavit accompanying Plaintiff's motion, Plaintiff states that she earned \$8,290 per month until she became unemployed in December 2008. Plaintiff remains unemployed. However, she received a disability payment of \$42,396 in the past 12 months. Plaintiff does not report any other income or assets, not does she report anyone who depends on her for financial support. Based on the representations in Plaintiff's financial affidavit, she is in excess of 400% of the current federal poverty guidelines for a family of one. Accordingly, the Court respectfully denies Plaintiff's motion for leave to proceed *in forma pauperis* [7].

Plaintiff's motion for appointment of counsel [5] also is respectfully denied. The Court's authority to "request an attorney to represent any person unable to afford counsel" in a civil case is tied to the federal *in forma pauperis* statute, 28 U.S.C. § 1915(e)(1). See *Pruitt v. Mote*, 503 F.3d 647, 653-54 (7th Cir. 2007) (en

<b>STATEMENT</b>
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<p>banc). Because Plaintiff does not qualify for <i>in forma pauperis</i> status, the Court is not in position to recruit counsel to represent her.</p>
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